

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

FB ACQUISITION, LLC,)
)
Plaintiff,) No. 1:17-cv-01076-JDB-egb
)
vs.)
)
TENNESSEE BUSINESS and INDUSTRIAL)
DEVELOPMENT CORPORATION,)
)
Defendant.)

**JOINT MOTION TO MODIFY SCHEDULING ORDER AND EXTEND ALTERNATIVE
DISPUTE RESOLUTION DEADLINE**

Plaintiff FB Acquisition, LLC (“Plaintiff”) and Defendant Tennessee Business and Industrial Development Corporation (“Defendant”), by and through their respective undersigned counsel, pursuant to Fed. R. Civ. P. 16(a)(4), jointly move this Court to modify the Scheduling Order (Doc. 19) to extend the ADR/mediation deadline. In support, the parties state as follows:

1. On September 29, 2017, Defendant filed a Motion for Leave to File Third Party Complaint against the U.S. Small Business Administration (Doc. 26).
2. On October 12, 2017, the parties filed a Joint Motion to Amend Scheduling Order (Doc. 28) seeking to extend several deadlines, including the deadline for alternative dispute resolution. As stated in the Joint Motion, the purpose for seeking an extension of the ADR/mediation deadline was to “present an opportunity to mediate with a greater possibility of settlement in comparison to mediation without all responsible parties.” (*Id.* at ¶ 5).
3. On October 19, 2017, the Court entered an Order Granting Motion to Amend Scheduling Order extending the deadline for ADR/mediation to November 20, 2017 (Doc. 29).

4. Defendant's Motion for Leave to File Third Party Complaint remains pending before the Court. As a result, and for the same reasons as before, good cause exists to further extend the ADR/mediation deadline to allow for a more productive mediation involving all potential parties to this lawsuit. The parties believe a sixty (60) day extension would be appropriate.

5. As set forth in Section 4.1(b) of the Plan for Alternative Dispute Resolution in the United States District Court for the Western District of Tennessee, “[t]he referral of a case to ADR does not delay or defer other dates established in the Scheduling Order and has no effect on the scheduled progress of the case toward trial.” Accordingly, the extension of the ADR/mediation deadline will not affect other deadlines in this case.

WHEREFORE, PREMISES CONSIDERED, Plaintiff FB Acquisition, LLC and Defendant Tennessee Business and Industrial Development Corporation jointly move the Court for a sixty (60) day extension of the ADR/mediation deadline.

This the 20th day of November, 2017.

Respectfully submitted,

BAKER, DONELSON, BEARMAN
CALDWELL & BERKOWITZ, PC

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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of November, 2017, I electronically filed the foregoing Notice of Service of Initial Disclosures with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

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